

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

Bail Appl..No. 7464 of 2007()

[CRIME NO.405/2007 OF THRITHALA POLICE STATION]

: PETITIONER/ACCUSED

1. THAHA, S/O.MUSTHAFA HAJI,
PADIKKAMANNIL HOUSE, POST NHANGATTIRI,
PATTAMBI, OTTAPALAM.
2. ABHILASH, S/O.RAJAN, NAYAKATH
PARAMBIL, POST NHANGATTIRI, PATTAMBI,
OTTAPALAM.
3. SABARISAN.K.P., VELATH HOUSE,
POST NHANGATTIRI, PATTAMBI, OTTAPALAM.
4. PAMBAVASAN.K.P., VELATH HOUSE,
POST NHANGATTIRI, PATTAMBI, OTTAPALAM.
5. JIJO @ JIJESH.V., S/O.SIVASANKARAN,
GAYATHRI NIVAS, AMBALAVATTOM POST,
THRITHALA.
6. RAJESH.O., S/O.UNNIKRISHNAN,
ODAMAKKAYIL HOUSE, POST THRITHALA.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

B.A.No.7464 of 2007

Dated this the 5th day of December 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 6. They face allegations for offences punishable inter alia under Sections 452 and 323 read with 149 I.P.C. The petitioners are persons owing allegiance to the C.P.M. On a date when there was a Harthal, the petitioners are alleged to have signalled the de facto complainant to stop his autorickshaw. He did not. He proceeded further. The petitioners allegedly constituted themselves into an unlawful assembly, went to the house of the de facto complainant and allegedly attacked the de facto complainant who was sitting on the veranda of his house. No weapons were admittedly used. Only hands were used for assault. No serious injury has been suffered. The alleged incident took place on 30/10/2007. Six days later, a crime has been registered and the delay is sought to be explained on the ground that there were attempts to settle the disputes. Crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of this case to which I have already adverted to briefly that this is a fit case where the petitioners can be granted anticipatory bail subject of course to appropriate and strict conditions to be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 12/12/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 13/12/2007 and 14/12/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period

of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 12/12/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 12/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007